

## REMARKS

### **I. Status of the Application**

Upon entry of this Amendment, claims 1-5, 7-15, 18-21, 25, 30, 33, 35, 39-42, and 44-53 are pending in the present Application. In an Office Action dated September 29, 2008, the Examiner made the following claim rejections under 35 USC § 103(a), which are shown below using item numbers provided in the Office Action.

- Item 4      Claims 1-3, 5-12, 18, 22, 23, 30, 33, 39, 40, 42-44, 46-49, 52 and 53 are rejected as being unpatentable over US 2001/0034228 (hereinafter "Lehtovirta") in view of U.S. Patent No. 6,578,085 (hereinafter "Khalil") and U.S. Patent No. 7,058,007 (hereinafter "Daruwalla").
- Item 30     Claims 4, 14, 25, 27, 28, 36, 37, 50, and 51 are rejected as being unpatentable over Lehtovirta in view of Daruwalla.
- Item 37     Claims 13 and 34 are rejected as being unpatentable over Lehtovirta in view of Daruwalla and US 2004/0081086 (hereinafter "Hippelainen").
- Item 41     Claims 15-17 and 24 are rejected as being unpatentable over Lehtovirta in view of Khalil and Daruwalla as applied to claims 6 and 22 above, and further in view of US 2003/0016629 (hereinafter "Bender").
- Item 48     Claims 19-21 and 41 are rejected as being unpatentable over Lehtovirta in view of Khalil and Daruwalla as applied to claim 18 above, and further in view of U.S. 5,390,326 (hereinafter "Shah").
- Item 51     Claim 31 is rejected as being unpatentable over Lehtovirta in view of Daruwalla and U.S. 6,178,327 (hereinafter "Gomez").
- Item 55     Claim 32 is rejected as being unpatentable over Lehtovirta in view of Gomez and Daruwalla as applied to claim 31 above, and further in view of Khalil.
- Item 58     Claim 35 is rejected as being unpatentable over Lehtovirta in view of Daruwalla, as applied to claim 25, and in further view of Shah.
- Item 61     Claim 38 is rejected as being unpatentable over Lehtovirta in view of Daruwalla, and applied to claim 25 and further in view of US 2004/0049565 (hereinafter "Keller").

Item 64 Claim 45 is rejected as being unpatentable over Lehtovirta in view of Khalil and Daruwalla as applied to claim 44 above, and further in view of Hippelainen.

## **II. Rejections Under 35 U.S.C. § 103(a)**

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), the prior art reference (or references when combined) must teach or suggest all the claim limitations. Furthermore, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

### **Item 4**

The Examiner rejected claims 1-3, 5-12, 18, 22, 23, 30, 33, 39, 40, 42-44, 46-49, 52 and 53 as being unpatentable over Lehtovirta in view of Khalil and Daruwalla. The rejected claims include independent claims 1, 6, 39, 42, 46, 48, and 52.

#### **Independent Claim 1**

With respect to independent claim 1, Applicants respectfully traverse the Examiner's rejection. Independent claim 1 is directed to an end node that performs the following operation.

*"generating, from Mobile IP signals directed to said end node or transmitted by said end node, a list of network nodes identifying network nodes used in routing signals to or from said end node, said Mobile IP signals including at least one of a Mobile IP agent solicitation message, a Mobile IP agent advertisement message, a Mobile IP registration message and a Mobile IP registration reply message;*

Therefore, as claimed in claim 1, it is the end node that operates to generate the "*list of network nodes* ....."

The Lehtovirta, Khalil, and Daruwalla references taken alone or in any proper combination fail to disclose or suggest the above claim limitation. In the Office Action, the Examiner stated that Lehtovirta fails to disclose the operation of "generating" but that Khalil does. Applicants respectfully disagree with the Examiner's assertion that Khalil remedies the deficiencies of Lehtovirta.

The Examiner identified (column 5, lines 33-42) in Khalil as disclosing the element of “*generating*” recited above. However, Applicants assert that the list disclosed in Khalil and referred to by the Examiner is generated and maintained at a home agent (HA) and not at an end node as recited in claim 1. For example, Khalil states at column 5, line 39:

*“The HA 46 compares the mobile node’s new COA against the old COA via the list 52 maintained by the HA 46 ...”*(emphasis added)

Applicants further assert that Daruwalla does not disclose the above recited claim element and also fails to remedies the deficiencies of Lehtovirta.

Thus, Applicants submit that the Lehtovirta, Khalil, and Daruwalla references taken alone or in any proper combination fail to disclose or suggest all of the claim elements of claim 1. Furthermore, the addition of Hippelainen, Bender, Shah, Gomez and/or Keller cited in the Office action does not overcome the deficiencies noted with respect to Lehtovirta. And, the combination of Lehtovirta with one or more of the cited references does not render the rejected claims obvious. Therefore, claim 1 is allowable over the cited references and Applicants respectfully request that the Examiner’s rejection of claim 1 under 35 U.S.C. § 103(a), be withdrawn.

Independent Claims 6, 39, 42, 46, 48, and 52

With respect to claim 6, Applicants herein cancel claim 6. With respect to independent claims 39, 46, 48, and 52, Applicants respectfully traverse the Examiner’s rejection. With respect to independent claim 42, Applicants herein amend claim 42 and submit that claim 42 is allowable over the stated rejection.

Claims 39, 42, 46, 48, and 52 all recite a claim element to “generate a list” similarly to claim 1. Since claim 1 is allowable over the cited references, claims 39, 42, 46, 48, and 52 are also allowable for at least the same reasons as claim 1 (see argument above).

Therefore, Applicants respectfully request that the Examiner’s rejection of claims 39, 42, 46, 48, and 52 under 35 U.S.C. § 103(a), be withdrawn.

Dependent Claims 2-3, 5, 7-12, 18, 22, 23, 30, 33, 40, 43, 44, 47, 49, and 53

With respect to dependent claims 2-3, 5, 7-12, 18, 22, 23, 30, 33, 40, 43, 44, 47, 49, and 53, Applicants herein cancel claims 22, 23, and 43. Furthermore, Applicants herein amend claims 4 and 25 to depend from claim 1.

Applicants submit that dependent claims 2-3, 5, 7-12, 18, 30, 33, 40, 44, 47, 49, and 53 are allowable because all these claims now depend from allowable base claims (see arguments above).

Therefore, Applicants respectfully request that the Examiner's rejection of dependent claims 2-3, 5, 7-12, 18, 30, 33, 40, 44, 47, 49, and 53 under 35 U.S.C. § 103(a), be withdrawn.

**Item 30**

The Examiner rejected claims 4, 14, 25, 27, 28, 36, 37, 50, and 51 as being unpatentable over Lehtovirta in view of Daruwalla. The rejected claims include independent claims 4, 14, 25, 50 and 51.

Independent Claims 4, 14, and 25

With respect to independent claims 4, 14, and 25, Applicants herein amend claims 4, 14, and 25 to depend from claim 1. Since claim 1 is allowable over the cited references (see arguments above), claims 4, 14 and 25 are allowable for at least the same reasons.

Therefore, Applicants respectfully request that the Examiner's rejection of claims 4, 14 and 25 under 35 U.S.C. § 103(a), be withdrawn

Independent Claims 50 and 51

With respect to independent claims 50 and 51, Applicants respectfully traverse the Examiner's rejection. Independent claims 50 and 51 are directed to a device and a computer-readable media that are both configured to perform the following operation.

*“determining said fault response operation as a function of fault response information stored in said end node, said stored fault response information relating to a plurality of possible operations; and  
wherein said step of determining said fault response operation is also performed as a*

*function of the network node at which the fault occurred with said operation being selected from a plurality of possible operations based on both the type of fault and which one of a plurality of network nodes was the node at which the fault occurred.”*

Thus, as claimed in claims 50 and 51, a fault operation is selected from a plurality of possible operations based on both the type of fault and the network node at which the fault occurred.

The Lehtovirta and Daruwalla references taken alone or in any proper combination fail to disclose or suggest the above claim limitation. In the Office Action, the Examiner stated that Lehtovirta fails to disclose the above recited operation but that Daruwalla does. Applicants respectfully disagree with the Examiner’s assertion that Daruwalla remedies the deficiencies of Lehtovirta.

The Examiner identified (column 14, lines 4-17) in Daruwalla as disclosing the above recited operation. However, Applicants assert that Daruwalla performs the same operation for every fault that occurs. For example, Daruwalla states at column 14, lines 12-15:

*“After the failure has been detected and announced, cable modem 701 loads the protection CMTS parameters as indicated by arrow 713. Using these parameters it attempts to reconnect with the protection CMTS 705”*

Daruwalla fails to disclose that a default operation “*is selected from a plurality of operations*” as recited in claims 50 and 51. Daruwalla operates to provide the same operation (i.e., “*attempts to reconnect*”) regardless of the type of fault and the network node at which the fault occurred.

Thus, Applicants submit that the Lehtovirta and Daruwalla references taken alone or in any proper combination fail to disclose or suggest all of the claim elements of claims 50 and 51. Therefore, claims 50 and 51 are allowable over the cited references and Applicants respectfully request that the Examiner’s rejection of claims 50 and 51 under 35 U.S.C. § 103(a), be withdrawn.

Dependent Claims 26, 27, 28, 36, and 37

With respect to dependent claims 27, 28, 36, and 37, Applicants herein cancel claims 27, 28, 36, and 37. It should be noted that the Examiner failed to address claim 26 is the Office Action, however, Applicants herein cancel claim 26.

**Item 37**

The Examiner rejected claims 13 and 34 as being unpatentable over Lehtovirta in view of Daruwalla and Hippelainen. The rejected claims include independent claims 13 and 34.

With respect to independent claims 13, Applicants herein amend claim 13 to depend from claim 1. Since claim 1 is allowable over the cited references (see arguments above), claim 13 is allowable for at least the same reasons. Applicants herein cancel claim 34.

Therefore, Applicants respectfully request that the Examiner's rejection of claim 13 under 35 U.S.C. § 103(a), be withdrawn

**Item 41**

The Examiner rejected claims 15-17 and 24 as being unpatentable over Lehtovirta in view of Khalil and Daruwalla as applied to claims 6 and 22 above, and further in view of Bender. Applicants herein cancel claims 15-17 and 24.

**Item 48**

The Examiner rejected dependent claims 19-21 and 41 as being unpatentable over Lehtovirta in view of Khalil and Daruwalla as applied to claim 18 above, and further in view of Shah.

With respect to dependent claims 19-21 and 41, Applicants submit that these claims are allowable because all these claims now depend from allowable base claims (see arguments above).

Therefore, Applicants respectfully request that the Examiner's rejection of dependent claims 19-21 and 41 under 35 U.S.C. § 103(a), be withdrawn.

**Item 51**

The Examiner rejected independent claim 31 as being unpatentable over Lehtovirta in view of Daruwalla and Gomez. Applicants herein cancel claim 31.

**Item 55**

The Examiner rejected dependent claim 32 as being unpatentable over Lehtovirta in view of Gomez and Daruwalla as applied to claim 31 above, and further in view of Khalil. Applicants herein cancel claim 32.

**Item 58**

The Examiner rejected dependent claim 35 as being unpatentable over Lehtovirta in view of Daruwalla, as applied to claim 25, and in further view of Shah.

With respect to dependent claim 35, which depends from claim 25, Applicants herein amend claim 25 to depend from claim 1, which is allowable (see above).

Applicants submit that dependent claim 35 is allowable because claim 35 now depends from allowable claims 25 and 1 (see arguments above).

Therefore, Applicants respectfully request that the Examiner's rejection of dependent claim 35 under 35 U.S.C. § 103(a), be withdrawn.

**Item 61**

The Examiner rejected dependent claim 38 as being unpatentable over Lehtovirta in view of Daruwalla, and applied to claim 25 and further in view of Keller. Applicants herein cancel claim 38.

**Item 64**

The Examiner rejected dependent claim 45 as being unpatentable over Lehtovirta in view of Khalil and Daruwalla as applied to claim 44 above, and further in view of Hippelainen.

With respect to dependent claim 45, which depends from claim 42, Applicants herein amend claim 42 to include elements similar to claim 1, and assert that claim 42 is allowable over the cited references for at least the same reasons as claim 1 (see arguments above).

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Applicants submit that dependent claim 45 is allowable because claim 45 now depends from an allowable base claim.

Therefore, Applicants respectfully request that the Examiner's rejection of dependent claim 45 under 35 U.S.C. § 103(a), be withdrawn.



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### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Please charge Deposit Account No. 17-0026 for any fees associated with the Petition for a Two-Month Extension of Time and any other fees that may be due regarding this amendment. Applicants encourage the Examiner to telephone the Applicants' attorney should any issues remain.

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Respectfully submitted,

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